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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

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 WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff
 UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CR. NO.
 UNITED STATES OF AMERICA,)
 Plaintiff,) INDICTMENT
 vs.) Count 1: 26 U.S.C. §§
 JOHN CARLYON, JR., (01)) 5845(a)(1) & 5861(d)
 JAMES G. MAGALEI, (02)) Count 2: 18 U.S.C. §§
 Defendants.) 922(g)(1) & 924(a)(2)

CRD4 00051
 DAE

INDICTMENT

COUNT 1

(18 U.S.C. § 2(a), 26 U.S.C. §§ 5845(a)(1), 5861(d))

The Grand Jury charges that:

On or about January 23, 2004, in the District of Hawaii, the defendants JOHN CARLYON, JR. and JAMES G. MAGALEI, did knowingly possess a firearm as defined by Title 26, United States Code, Section 5845(a)(1), to wit, a Sears, model 21-20, pump action, 20-gauge shotgun, with a barrel length of less than eighteen (18) inches, bearing no serial number, which was not

registered to them in the National Firearms Registration and Transfer Record as required by law.

All in violation of Title 26, United States Code, Sections 5845(a)(1) and 5861(d).

COUNT 2
(18 U.S.C. § 922(g)(1) & 924(a)(2))

The Grand Jury further charges that:

On or about January 23, 2004, in the District of Hawaii, the defendant JAMES G. MAGALEI, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in or affecting commerce a firearm, to wit, a Sears, model 21-20, pump action, 20-gauge shotgun, bearing no serial number, and manufactured outside the State of Hawaii.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

DATED: January 29, 2004, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY

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UNITED STATES v. JOHN CARLYON & JAMES G. MAGALEI
Cr. No. 04- (Indictment)

For